

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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In re Application of GEORGE W. SCHLICH for :
Order to Take Discovery Pursuant to 28 U.S.C. § :
1782 :
:

16-MC-0319

Applicant. :
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ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on August 26, 2016, the Applicant in the above-captioned action filed an Ex Parte Petition and Application for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for use in Foreign Proceedings (the “Petition”), which was referred to the Undersigned, as the Part I Judge;


IT IS HEREBY ORDERED that:

1. While the Court understands that “it is neither uncommon nor improper for district courts to grant applications made pursuant to § 1782 *ex parte*,” *Gushlak v. Gushlak*, 486 F. App’x 215, 217 (2d Cir. 2012), fairness and judicial economy would not be served by permitting the Petition to proceed *ex parte* in this particular case.
Accordingly, not later than **September 9, 2016**, Applicant is directed to serve a copy of the Petition on the individuals and entities from whom he seeks discovery, in particular, The Rockefeller University, Luciano Marraffini, Vedder Price P.C. and Thomas Kowalski (collectively, the “Respondents”), and note service on the docket.
2. Not later than **September 20, 2016**, the Respondents are directed to file a letter response showing cause why the Court should not grant the Application and permit

Applicant to take the requested discovery. Applicant's deadline to file a reply in further support of its Petition shall be **September 27, 2016**. The parties are directed to appear for oral argument on the Petition before the Part I Judge at 11:00 a.m. on **October 4, 2016**.

SO ORDERED.

Date: August 29, 2016
New York, New York


VALERIE CAPRONI
United States District Judge
PART I